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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,600	06/02/2000	Shuji Ono	3562-0101P	6151

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EXAMINER

LONG, HEATHER R

ART UNIT PAPER NUMBER

2615

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/586,600

Applicant(s)

ONO, SHUJI

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 16-29 and 37-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-13,30,31,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 3-8,14,15,32,35,36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2000 and 23 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Page 10, line 15 – Page 11, line 7, filed February 23, 2005, with respect to the rejection(s) of claim(s) 1 and 30 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

a. Page 36, line 27: change "80" to –180--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 9, 11-13, 30, 31, 33, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Windle (U.S. Patent 6,606,117).

Regarding claim 1, Windle discloses a camera (202) comprising: an image data input unit (101) forming an image of a subject for photographing the subject (col. 5, lines 53-63); a condition storing unit (108 - col. 4, lines 39-42) storing a predetermined photographing condition (portrait template) relating to at least one of an expression and characteristic feature (a person's head) of an aimed object (a person) in the image of the subject; and a timing signal generator outputting a timing signal when the subject satisfies the photographing condition (Fig. 6; col. 7, lines 33-43; it is inherent that once the shutter button is pressed the timing signal generator will output a timing signal to capture the image and the user activates the shutter button once a person's head is aligned correctly according to the template).

Regarding claim 2, Windle discloses all the limitations as previously discussed with respect to claim 1 as well as disclosing that the camera (202) further comprises an extractor (104) extracting data of an aimed object (a person) from the image of the subject based on an extracting condition (col. 6, lines 18-26), wherein the photographing condition includes a predetermined condition (the person's head is properly aligned in the photograph) related to a desirable aimed object (a person) and the timing signal generator outputs the timing signal when the aimed object satisfies the photographing condition (Fig. 6; col. 7, lines 33-43; it is inherent that once the shutter button is pressed the timing signal generator will output a timing signal to capture the image and the user

activates the shutter button once a person's head is aligned correctly according to the template).

Regarding claim **9**, Windle discloses all the limitations as previously discussed with respect to claim 1 including that the camera (202) further comprises an image-pickup control unit (104) controlling the input unit for photographing the image based on the timing signal (col. 5, lines 13-19; the processing unit 104 interprets the user's inputs, therefore the processing unit would control the input unit to capture the image once the shutter button is activated).

Regarding claim **11**, Windle discloses all the limitations as previously discussed with respect to claim 1 including that the camera (202) further comprises a recording unit (103) recording the image on a replaceable nonvolatile recording medium based on the timing signal (Fig. 1; col. 4, lines 5-7).

Regarding claim **12**, Windle discloses all the limitations as previously discussed with respect to claim 1 including that the camera (202) further comprises an alarm outputting an alarm signal (602) for notifying that the subject satisfies the photographing condition based on the timing signal (Fig. 6, lines 33-43).

Regarding claim **13**, Windle discloses all the limitations as previously discussed with respect to claim 1 including that the photographing condition includes a plurality of photographing conditions (there are more than one template that may be chosen – Fig. 3), and the camera (202) further comprises a

condition-setting unit (Fig. 3 shows a user being able to select which template they desire) previously selecting at least one of the photographing conditions (the portrait template), for photographing the image, from among the plurality of photographing conditions.

Regarding claims **30, 31, 33, and 34**, these are method claims corresponding to the apparatus claims 1, 2, 9, and 11. Therefore, claims 30, 31, 33, and 34 are analyzed and rejected as previously discussed with respect to claims 1, 2, 9, and 11.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Windle (U.S. Patent 6,606,117).

Regarding claim **10**, Windle discloses all the limitations as previously discussed with respect to claim 1, except an illuminator illuminating the subject based on the timing signal. Official Notice is taken that using an illuminator to illuminate the subject based on the timing signal is a well-known process. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added an illuminator to illuminate the

subject based on the activation of the shutter button to the camera apparatus as disclosed by Windle in order to assure that the image is adequately illuminated to obtain a high quality image.

***Allowable Subject Matter***

7. Claims 3-8, 14, 15, 32, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to teach or fairly suggest a camera or a method (in combination with the other elements claimed):

- a. Wherein the extracting condition is based on depth information of the image indicating the distance to each part of the subject (claim 3).
- b. Wherein the extractor detects data of a judgement location from the data of the aimed object in the image based on a detecting condition different from the extracting condition, the photographing condition includes a predetermined photographing condition related to a desirable judgement location, and the timing signal generator outputs the timing signal when the judgement location satisfies the photographing condition (claims 4 and 32).
- c. Wherein the extractor extracts data of a plurality of the aimed objects from the image; and the timing signal generator outputs the timing signal when the plurality of aimed objects satisfy the photographing condition (claim 5).

- d. Further comprising: an input condition determining unit determining an input condition for inputting the image based on information of the judgement location detected by the extractor; and an image-forming control unit controlling an input unit for forming the image of the subject based on the input condition (claims 14 and 35).
- e. Further comprising an image processing unit processing the image based on information of the judgement location detected by the extractor (claims 15 and 36).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Long  
Examiner  
Art Unit 2615

HRL  
March 9, 2005

  
TUAN HO  
PRIMARY EXAMINER